



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 15, 1998

Mr. Mark Flowers
Assistant City Attorney
406 East Illinois
P.O. Box 1152
Midland, Texas 79702-1152

OR98-2198

Dear Mr. Flowers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 118186.

The City of Midland received an open records request for three reports identified by specific case numbers. You described these three reports as two police reports and a computer-aided dispatch report and attached highlighted copies of them for review. If documents other than the police reports and computer-aided dispatch report existed at the time of Ms. McCrary's request and are identified by reference to the three case numbers used by Ms. McCrary, these documents are not addressed by either your request or this response.

You contend that the highlighted portion of the police report marked Exhibit B is exempt from disclosure pursuant to section 552.103 of the Government Code. You contend that the highlighted portions of the police reports marked Exhibits B and C are exempt respectively from required public disclosure pursuant to sections 552.108(a)(1) and (a)(2) of the Government Code. You also contend that the originating telephone number and address that are highlighted on a computer-aided dispatch report, marked Exhibit D, are exempt from disclosure pursuant to section 772.318 of the Texas Health & Safety Code. We have considered the exceptions you claim and have reviewed the portions of the documents at issue.

Because you have informed us that Exhibit B pertains to a pending criminal investigation and prosecution, we conclude that you have met your burden of establishing that at this time the release of the information highlighted on Exhibit B that contains the

observations, clues, inferences, and procedures of the investigating police officers could interfere with law enforcement or prosecution.

However, Government Code Sections 552.108(a)(1) and (a)(2) do not exempt from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The same type of basic information was specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The Court held that the basic information usually contained on the front page of an offense report is available to the public. This basic information includes the offense committed, the location of the crime, an identification and description of the complainant, the premises involved, the time of the occurrence, the property involved, the vehicles involved, a description of the weather, a detailed description of the offense in question and the names of the investigating officers. See Open Records Decision No. 127 (1976). This basic information must be disclosed.

Government Code Section 552.103(a) excepting litigation from disclosure cannot be invoked to withhold from disclosure the basic "front page" type information, because this information should have already been provided to a defendant by a magistrate or in an indictment. Open Records Decision No. 597 (1991)

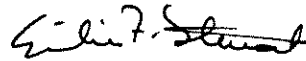
The bracketed portions of the highlighted text of Exhibit B contain basic information and all of the highlighted text of Exhibit C consists of basic information. This basic information must be released. The portions of the requested information in Exhibit B that are highlighted by you and that have not been bracketed for release by us are not "basic information about an arrested person, an arrest, or a crime" and are excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code. You may withhold them from disclosure.

Finally, you contend that the information identifying originating telephone number and address highlighted on Exhibit D of your request is confidential under Health and Safety Code § 772.318. Originating telephone numbers and addresses are confidential when they are furnished on a call-by-call basis by a service supplier to a 9-1-1 emergency communication district under section 772.318 of the Health and Safety Code. You correctly highlighted this information as exempt from disclosure. Section 772.318 does not except from disclosure any other information contained on a computer aided dispatch report that was obtained during a 9-1-1 call.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID#118186

Enclosures: Submitted documents

cc: Ms. Diana McCrary
1710 North Avenue A
Midland, Texas 79705
(w/o enclosures)